



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

100 CHURCH STREET  
NEW YORK, NEW YORK 10007

MICHAEL A. CARDOZO  
*Corporation Counsel*

SUZANNA PUBLICKER  
*Assistant Corporation Counsel*  
E-mail: spublick@law.nyc.gov  
Phone: (212) 788-1103  
Fax: (212) 788-9776

October 9, 2012

**VIA HAND DELIVERY**

Jon L. Norinsberg, Esq.  
*Attorney for Plaintiff*  
225 Broadway, Suite 2700  
New York, New York 10007

Cohen & Fitch, LLP  
*Attorneys for Plaintiff*  
233 Broadway, Suite 1800  
New York, New York 10279

Re: Schoolcraft v. The City of New York, et al.  
10 CV 6005 (RWS)

Counsel:

In accordance with defendants' continuing obligation under F.R.C.P. 26(e), enclosed please find additional documents responsive to Plaintiff's First and Second Sets of Requests for Production of Documents, bearing Bates Nos. NYC 3789 through NYC 7496. Please note that documents bearing Bates Nos. NYC 3789 through NYC 3823; NYC 00004587 through NYC 00006112; NYC 7492 through NYC 7493; and NYC 7495 through NYC 7496 are being produced subject to the attorney's eyes only stipulation and protective order, endorsed by the Court on October 5, 2012. Documents bearing Bates Nos. NYC 00003824 through NYC 00004586 and NYC 7450 through NYC 7491 are being produced subject to the confidentiality stipulation and protective order, endorsed by the Court on October 5, 2012.

<u>Document Description</u>	<u>Bates Stamp No.</u>	<u>Confidentiality</u>
1. IAB CD titled 101A PO Mohabir	NYC 3789	AEO
2. IAB CD titled 102A PO Gaspari	NYC 3790	AEO
3. IAB CD titled 103A PO Nowacki	NYC 3791	AEO
4. IAB CD titled 104A PO Visconi	NYC 3792	AEO
5. IAB CD titled 105A PO Drakakis	NYC 3793	AEO
6. IAB CD titled 106A PO Reyes	NYC 3794	AEO
7. IAB CD titled 108A Lt. Crawford	NYC 3795	AEO

8. IAB CD titled 109A Sgt. Scanlar	NYC 3796	AEO
9. IAB CD titled 110B Sgt. Duncan	NYC 3797	AEO
10. IAB CD titled 111A PO Gough	NYC 3798	AEO
11. IAB CD titled 113A Det. Barbara	NYC 3799	AEO
12. IAB CD titled 114A Sgt. Hawkin	NYC 3800	AEO
13. IAB CD titled 128A Captain Lauterborn	NYC 3801	AEO
14. IAB CD titled 131A (Side A)Chief Marino	NYC 3802	AEO
15. IAB CD titled 131A (Side B)Chief Marino	NYC 3803	AEO
16. IAB CD titled 146A DI Green	NYC 3804	AEO
17. IAB CD titled 147B PO Deck	NYC 3805	AEO
18. IAB CD titled 148A AC Nelson	NYC 3806	AEO
19. IAB CD titled 150B Lt. Caughey (Side A)	NYC 3807	AEO
20. IAB CD titled 150B Lt. Caughey (Side B)	NYC 3808	AEO
21. IAB CD titled 168A EMT Villaverde	NYC 3809	AEO
22. IAB CD titled 196A Sgt. Conwell	NYC 3810	AEO
23. IAB CD titled 197A PO Hurly	NYC 3811	AEO
24. IAB CD titled 198A Sgt. James	NYC 3812	AEO
25. IAB CD titled 199A PO Delafuente	NYC 3813	AEO
26. IAB CD titled 206A Det. Yeager	NYC 3814	AEO
27. IAB CD titled 207A Det. Salazar	NYC 3815	AEO
28. IAB CD titled 208A PAA Boston	NYC 3816	AEO
29. IAB CD titled 209A Sgt. Glaudino ESU	NYC 3817	AEO
30. IAB CD titled 217A PO Sadowski	NYC 3818	AEO
31. IAB CD titled 242A PAA Thompson	NYC 3819	AEO
32. IAB CD titled 243A Sgt. Weber	NYC 3820	AEO
33. IAB CD titled 244A PO Lewis	NYC 3821	AEO
34. IAB CD titled 278A PO Reyes	NYC 3822	AEO
35. IAB CD titled 279A Sgt. Gonzalez	NYC 3823	AEO
36. CD Containing Confidential Documents from IAB Investigation M09-1973	NYC00003824- NYC00004586	Confidential
37. CD Containing AEO Confidential Documents from IAB Investigation M09- 1973	NYC00004587- NYC00006112	AEO
38. IAB CD titled 151A/152A Astor/Santana	NYC7492	AEO
39. IAB CD titled 156A Misty Schoolcraft	NYC7493	AEO
40. IAB CD titled 46A Schoolcraft Recordings	NYC7494	Not Confidential
41. IAB CD titled 157A Ewart Marshall	NYC7495	AEO
42. IAB CD titled 189A,B - P.O. Louis; 166A,B - P.O. Miller; 170A-D - P.O. Itwaru; 163A - P.O. Porter; 165A - Sgt. Gallina; 169A - Sgt. Rogers; 186A,B - PBBN IU 14 PGs	NYC7496	AEO

In accordance with both so-ordered stipulations and the Federal Rules of Civil Procedure, enclosed please also find a privilege log, identifying documents from the IAB case file that have been withheld on the basis of privilege.<sup>1</sup> Please note that for the documents provided under the assorted confidentiality designations, incidents reflecting charges of misconduct that predate the incident by more than ten years, and incidents that do not involve allegations of a similar nature to the allegations against the individual defendant officers in the complaint (Excessive Force, Unlawful Search and Seizure, Failure to Intervene, False Arrest, Malicious Abuse of Process, and Involuntary Commitment) or false statements have been redacted. All disciplinary and personnel files relating to non-party police officers have also been redacted. Additionally, pedigree information of defendants and non-parties have been redacted throughout.

Please note that City Defendants supplement their Responses and Objections to Plaintiff's Second Set of Document Requests, Document Requests Nos. 26 and 28 pertaining to IAB Case No. 558/10 regarding Defendant Marino and IAB Case No. 09-55089 regarding Defendant Lauterborn, to state, upon information and belief, that these investigations were consolidated into the larger IAB investigation into allegations regarding plaintiff Adrian Schoolcraft. Therefore, documents responsive to these requests can be found in the annexed documents. Further, in response to Document Requests Nos. 27, 30, and 36, also set forth in plaintiff's second set of discovery demands, City Defendants state, upon information and belief, that requested IAB Case Nos. 08-32052, 07-34586, and 08-15216 do not involve allegations of a similar nature to those alleged herein or false statements, and will therefore not be produced.

City Defendants had previously responded that they were continuing to search for information responsive to plaintiff's Document Requests Nos. 42-43 relating to Audio Recordings, Interview Memos, and/or DD5s from the Quality Assurance Division "investigation into downgrading and not reporting crimes as reported by Adrian Schoolcraft." Based upon a review of the relevant documentation, City Defendants maintain their objections set forth in their responses, including, but not limited to, the fact that the requests are overbroad, seek information not relevant to the subject matter of this lawsuit, is outside the scope of the complaint in this action, and seek information that is not reasonably calculated to lead to the discovery of admissible evidence. City Defendants further object to the extent that this request is unduly burdensome and seeks private and/or confidential information pertaining to non-parties to this action. As the final report from QAD has already been produced, City Defendants will not be producing the underlying investigative files.

Also enclosed herein are additional documents responsive to plaintiff's subpoena upon Councilman Peter Vallone, bearing Bates Nos. NYC 7450 through NYC 7491. Please note that because of sensitive information regarding non-party identities, these documents are being produced subject to the confidentiality stipulation and protective order, endorsed by the Court on October 5, 2012.

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<sup>1</sup> Due to the size of the Internal Affairs Bureau case file, and the manner in which the documents therein were stored, logged, and categorized by City Defendants, documents withheld from the IAB Case File on the basis of relevance have also been identified in the annexed log. This in no way constitutes a commitment by City Defendants to provide a relevance log on either a retroactive or proactive basis in this litigation.

Finally, after a review of previously produced documents, City Defendants have removed the confidentiality designations of the following documents:

<u>Document Description</u>	<u>Bates Stamp No.</u>	<u>Confidentiality</u>
Property Clerk Invoices	D000500- D000501	Not Confidential
NYSPIN Response Screen	D000502-504	Not Confidential
Memobook Entries for Defendant Broschart	D000505- D000507	Not Confidential
CD: Sprint Reports/Radio Transmissions from 10/31/09 104 Pct. Loc: 82-60 88 Plc.	D002275	Not Confidential
CD: Sprint Reports/Radio Transmissions from 10/31/09 104 Pct. Zone 31 Radio	D002276	Not Confidential
CD: Sprint Reports/Radio Transmissions from 11/01/09 104 Pct. Zone 31 Radio	D002277	Not Confidential
CD #1: Service Attempts	D002278	Not Confidential
CD #2: Service Attempts	D002279	Not Confidential
Patrol Guide Procedures	PG000001- PG000703	Not Confidential

Sincerely yours,



Suzanna Publicker  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Gregory John Radomisli (By Hand Delivery)  
MARTIN CLEARWATER & BELL LLP  
*Attorneys for Jamaica Hospital Medical Center*  
220 East 42nd Street 13th Floor  
New York, NY 10017

Brian Lee (By First-Class Mail)  
IVONE, DEVINE & JENSEN, LLP  
*Attorneys for Dr. Isak Isakov*  
2001 Marcus Avenue, Suite N100  
Lake Success, New York 11042

Bruce M. Brady (By Hand Delivery)  
CALLAN, KOSTER, BRADY & BRENNAN, LLP  
*Attorneys for Lillian Aldana-Bernier*  
1 Whitehall Street  
New York, New York 10004

Walter Aoysius Kretz , Jr. (By Hand Delivery)  
SEIFF KRETZ & ABERCROMBIE  
*Attorney for Defendant Mauriello*  
444 Madison Avenue, 30th Floor  
New York, NY 10022

SUPREME COURT FO THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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SCHOOLCRAFT

V.

CITY OF NEW YORK, ET AL  
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**AFFIDAVIT OF SERVICE**

Docket No.: 10 CV 6005

Law Dept: 2010-033074

STATE OF NEW YORK       )  
                                      : ss.:  
COUNTY OF NEW YORK    )

LUIGGY GOMEZ, being duly sworn deposes and says that:

1. The deponent is not a party to the action and is 18 years of age or older.
2. On 10/09/12, the deponent served the annexed Confidential Disclosures upon

the following person or persons:

Gerald Cohen; Cohen & Fitch, LLP., Attorney for the Plaintiff  
233 Broadway, Suite 1800 NYC NY 10279

Jon Norinsberg, Attorney for the Plaintiff  
225 Broadway, Suite 2700 NYC NY 10007

3. The number of copies served on each of said persons was 1.

The method of service on each of said persons was:

Pursuant to CPLR 2103(b)(3), where the person served is an attorney, where a person is in charge of the office, by leaving the paper(s) with such person.

MOSES S. WILLIAMS  
Commissioner of Deeds  
City of New York No. 2-12722  
Certificate Filed in New York County  
Commission Expires July 1, 2013

  
LUIGGY GOMEZ

  
Sworn to before me this

9<sup>th</sup> day of October, 2012.